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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,468	08/20/2003	Michael D. Kobrehel	DUR-105	8508

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EXAMINER	
A, PHI DIEU TRAN	
ART UNIT	**PAPER NUMBER**
3637	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,468	KOBREHEL ET AL.	
	Examiner	Art Unit	
	Phi D. A	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,15 and 16* is/are pending in the application.

4a) Of the above claim(s) *4-6 and 9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-8,10-12,15,16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/06 has been entered.

Response to Amendment

Claims 4-6, 9 are restricted and withdrawn claims. The claims are treated as having status identifier of " Withdrawn".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 7-8, 10-12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5131194) in view of Cross et al (2258973)

Anderson (figures 1, 3) shows a plastic glazing panel (acrylic) comprising a generally rectangular glazing panel of transparent plastic (11, 12) having top, bottom and side edges, a retainer frame (10) defined by sections of a perimeter channel forming a corresponding generally rectangular glazing opening, the sections of the channel each having a lip (72-77) together defining an opening of smaller size than the glazing opening

so as to retain the panel in the channel, the glazing panel being sufficiently thin and flexible, the receiving channel section having a resiliently compressible element (81') disposed therein allowing sufficient movement upon pushing of another edge of the glazing panel thereagainst so that the glazing panel edge opposite the another glazing panel edge clears the lip of the opposite channel section allowing removal of the glazing panel, but thereafter upon release causes the glazing panel to be repositioned to locate the another edge of the panel at an intermediate depth in the receiving channel section, the element being a bow leaf spring disposed in the bottom of the receiving channel, the receiving channel section is at the bottom of the glazing opening, and further including a positioner element (81') selectively manipulatable to allow lowering of the glazing panel and thereafter hold the glazing panel another edge at an intermediate position in the channel section so that the opposite edge of the panel does not clear the lip of the channel section opposite the receiving channel section, the positioner element comprising a compressible element able to be compressed by pushing the panel another edge thereagainst, and thereafter the glazing panel is released moving the opposite edge of the glazing panel into the one channel section opposite the receiving channel section, a primary glazing panel (12) installed in the frame adjacent the glazing panel and aligned therewith but spaced to one side, the glazing panel being thinner and made of plastic to comprise a sacrificial glazing panel (inherently can be sacrificial panel), the glazing panel is sufficiently thin and flexible to enable insertion and removal of the glazing panel into and out of the channel sections without deforming the retainer frame (col 2 lines 1-4 discloses the pane being flexible; as the panes are flexible, they certainly can function as claimed when installed).

Anderson does not show the receiving channel section being deeper than an opposite channel section.

Cross et al shows a receiving channel section (figure 9 the channel where part 8 is) being deeper than an opposite channel section to enable the easy and secured mounting of the glazing panel in the channels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section because it would allow for the easy and secured mounting of the glazing panel in the channels as taught by Cross et al.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5131194) in view of Gasteuger (3720026).

Anderson (figures 1, 3) shows a plastic glazing panel (acrylic) comprising a generally rectangular glazing panel of transparent plastic (11, 12) having top, bottom and side edges, a retainer frame (10) defined by sections of a perimeter channel forming a corresponding generally rectangular glazing opening, the sections of the channel each having a lip (72-77) together defining an opening of smaller size than the glazing opening so as to retain the panel in the channel, the glazing panel being sufficiently thin and flexible to be able to be easily bowed so as to allow opposite edges of the glazing to be drawn together sufficiently to be able to be passed by the lips of opposite sections of the channel and allow another edge of the glazing panel to be received in a receiving channel section extending along the glazing opening (col 2 lines 1-4 discloses the pane being flexible; as the panes are flexible, they certainly can function as claimed when installed).

Anderson does not show the receiving channel section being deeper than an opposite channel section, the receiving channel section is at top of the glazing opening, and the bottom edge of the glazing panel rests on a bottom of the channel opposite the receiving channel.

Gasteiger discloses receiving channel section (figure 2, channel with spring 40) being deeper than an opposite channel section (52), the receiving channel section is at top of the frame opening, and the bottom edge of the panel rests on a bottom of the opposite channel section.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section, the receiving channel section is at top of the glazing opening, and the bottom edge of the glazing panel rests on a bottom of the opposite channel section because it would allow for the easy and secured mounting of the panel in the channels as taught by Gasteiger.

Response to Arguments

4. Applicant's arguments filed 12/13/06 to claims 1-3, 7, 8, 10-12 have been fully considered but they are not persuasive.

Applicant states that Anderson et al not disclosing the panes being flexible enough so that the panes can be resiliently bowed for insertion into opposite sections of the recesses, examiner would like to point out the following. First of all, the claims are to an installation/structure, not method claims. The language in the claims clearly sets forth the claims being a structural claims, not method claims. Secondly, Anderson discloses the glazing panes are of acrylic plastic and flexible. The panels are also thin as claimed.

Anderson's teaching is to the insertion of the glazing panels in channels. By looking at the teaching of Anderson as a whole, one of ordinary skill in the art would surmise that when the panels are inserted and bending/bowing is needed, the panels will be bent to fit into the channels as needed. Anderson's structure thus inherently can function to be installed as claimed by flexing and bowing per the flexibility of the window panels. Thirdly, Anderson as modified by Cross et al shows the deeper channel as claimed. Anderson as modified shows all the claimed limitations and able to function as claimed. Anderson as modified thus meet the claimed limitations. The argument is thus moot.

With respect to applicant's argument to Cross et al, examiner respectfully points out that Cross et al teach a deeper channel as claimed. Combining Anderson and Cross et al, results in a structure that allow for easy and secured mounting of the glazing panes in the frames. The modification is thus motivated. Also, as pointed out in the rejection and repeated above, Anderson is combined with the teaching shown in Cross et al figure 9, not figure 2. Cross et al figure 9 shows the deeper channel and the shallower opposite channel as claimed. The argument is thus moot.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window frame designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A

3/18/07